



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEDAC  
\$  
↑

Applicant: John Mark Zetts

Examiner: Boccio, Vincent F

Serial No. 09/850,253

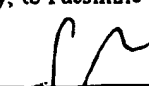
Group Art Unit: 2616

Filed: May 7, 2001

Docket No. STL920000106U  
S1Title: SYSTEM AND METHOD OF TIMECODE REPAIR AND  
SYNCHRONIZATION IN MPEG STREAMS

## CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence is being transmitted, via facsimile only, to Facsimile Nos. 571/273-8300 on December 22, 2005.

  
Sandra ParkerPETITION FOR REVIVALUnder 37 CFR 1.137(a)Attention: Office of Petitions  
Mail Stop Petitions  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

Please accept this Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), if this patent application has been abandoned. Notice of Abandonment has not been received yet but may be eminent, because two Corrected Notices of Allowance failed to extend the issue fee due date, which was 9/19/05, and is thus lapsed.

When filling up the enclosed Fee Transmittal form, on 8/25/05, Applicant's attorney noticed that claims from the Preliminary Amendment were not mentioned in the original Notice of Allowability. Phone calls were placed to Supervisory Examiner Jim Grody and Examiner Boccio who both agreed that it was a serious USPTO error and that the Applicant should not pay for it because it was their error. Examiner Boccio was told about several errors in the PAIR, regarding dates of IDS and formal drawings and that he failed to examine the Preliminary Amendment. Examiner Boccio promised to send a Supplemental Notice of Allowability and correct the mistakes. He also promised to extend the issue fee due date because it was uncertain when his Supplemental Notice of Allowability will arrive. Applicant's attorney sent an enclosed e-mail to Examiner Boccio, on 8/30/05, specifying the errors and the promise to extend the issue fee due date.

However, the Supplemental Notice of Allowability was mailed on 9/21/05 and it did not extend the issue fee due date of 9/19/05, although it was mailed two dates after it, on 9/21/05. It also failed to correct the formal drawings' date and enter the related applications' serial numbers.

Another set of phone calls to the Supervisory Examiner and Examiner Boccio and e-mails to Examiner Boccio assured the Applicant's attorney that another Supplemental Notice of Allowability will be mailed, correcting all the errors, as seen in the enclosed e-mails. Examiner Boccio claimed that he requested extension of time but that the support staff failed to extend it. This is confirmed in his e-mail dated 10/17/05. There, however, he claims that he requested the Applicant to pay the issue fee during the 8/30/05 phone call, which is incorrect. It would show very irresponsible behavior on his part because at that time he had not even seen the Preliminary Amendment. His Second Supplemental Notice of Allowability was mailed on 11/3/05 but again

failed to extend the issue fee due date. Several e-mails, sent since then, and voice messages left on his phone were not replied to by Examiner Boccio and thus this Petition is sent hereby.

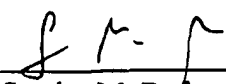
Please kindly enter this petition and allow this application to issue. The Commissioner is hereby authorized to charge payment of \$1,7000.00 for issue and publication fees, a Petition Fee of \$500.00, if needed, and any additional fees required for the above-identified application or to credit any overpayment to Deposit Account No. 09-0460.

Please note that the entire delay in paying the issue fee from 9/19/05 until the filing of this petition, grantable under 37 CFR 1,137(a), was unavoidable because there were serious errors in the PAIR and in the original Notice of Allowability made by the USPTO and in two Supplemental Notices of Allowability, none of which was caused by the Applicant. Please also note that Applicant could not possibly know, by 9/19/05, whether Examiner would allow the additional 24 claims from the Preliminary Amendment, because the Supplemental Notice of Allowability was mailed on 9/21/05.

Please note that the second Supplemental Notice of Allowability failed to change the formal drawings date and Applicant hereby requests use of correct formal drawings for this application, entered on 9/10/01, and not the informal drawings from 5/14/01, as incorrectly entered by the Examiner in the original Notice of Allowability.

Respectfully submitted,

Date: December 22, 2005

  
\_\_\_\_\_  
Sandra M. Parker  
Reg. No. 36,233

LAW OFFICE OF SANDRA M. PARKER  
329 La Jolla Avenue  
Long Beach, CA 90803  
Phone/Fax: (562) 597-7504

Enclosures: three e-mails, Fee(s) Transmittal form and Fee Address Indication form

**Sandra Parker**

---

**From:** "Boccio, Vincent" <Vincent.Boccio@USPTO.GOV>  
**To:** "Sandra Parker" <sandraparker@charter.net>  
**Sent:** Monday, October 17, 2005 12:49 PM  
**Subject:** RE: 09/850,253; STL9200000106US1

I will be done this week ASAP it is next up on my list, count day is today, be patient, you didn't pay the fee that I specifically made a request to you to do, I need to check a few things with Quas and docket people of why you didn't get the time that I specified and extract the additional information that I will do an examiner's amendment, you requested me to do, which will take a little longer, your case is not the only case I have to do. Please be patient, sincerely Vince

-----Original Message-----

**From:** Sandra Parker [mailto:sandraparker@charter.net]  
**Sent:** Monday, October 17, 2005 2:55 PM  
**To:** Boccio, Vincent  
**Cc:** Jeanette Durbin; Nicky Lambert; Ingrid  
**Subject:** 09/850,253; STL9200000106US1

Dear Mr. Boccio,

I still do not see in PAIR the second Supplemental Notice of Allowance with the new allowance date which you promised to issue so that IBM does not have to pay the Petition for Revival fee since it is not our fault.

Moreover, you also promised to change the formal drawings date and to issue an Examiner's Amendment which will amend the Specification with serial and/or issue numbers of related applications.

Please contact me with the status ASAP.

Thanks and best regards,  
Sandra Parker

11/3/2005

**Sandra Parker**

---

**From:** "Sandra Parker" <sandramparker@charter.net>  
**To:** <vincent.bocdo@uspto.gov>  
**Cc:** "Ingrid" <ingridf@us.ibm.com>; "Nicky Lambert" <nickyl@us.ibm.com>; "Debi Fennern" <debif@us.ibm.com>; "Andre Gibbs" <andgibbs@us.ibm.com>  
**Sent:** Tuesday, August 30, 2005 11:36 AM  
**Subject:** Errors in Notice of Allowability for 09/850,253

Dear Examiner Boccio,

this allowed Mark Zett's application (09/850,253) has numerous incorrect data in Notice of Allowability and some incorrect entries were created during the examination and placed in the PAIR system.

Namely,

1. preliminary amendment with 24 new claims dating 6/29/01 was not mentioned; there are 5 entries in PAIR and 30+24 claims = 54 claims in this application
2. Notice of Allowability did not mention this Preliminary Amendment - left 1. blank,
3. Notice of Allowability under 2. mentions renumbering ??? and only 30 claims instead of 54
4. Notice of Allowability under 3. mentions drawings of 5/14/01 - ours were accepted on 9/10/01
5. our 1449 form accepted on 3/11/2002 was not initialed and returned
6. two 1449s returned belong for someone else's application 09/855,813
7. "list of references cited by applicant", as put on PAIR on 6/17/05, has wrong references

According to our today's phone conversation, please create a Supplemental Notice of Allowability and send it as soon as possible. Please extend the issue date to give us time to read the Supplemental Notice of Allowability and pay the fees so that application does not get abandoned. Please forward initialed 1449 form for this application. Please correct some incorrect PAIR entries dated 6/17/05.

Best regards,  
Sandra Parker  
562/597-7504

11/16/2005